

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA,	§	
	§	
Petitioner,	§	
	§	
v.	§	MISC. ACTION NO. 4:09-MC-9
	§	J. SCHELL/J. BUSH
CHANCE NIBLETT,	§	
	§	
Respondent.	§	

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On June 22, 2009, the amended report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Respondent be required to fully comply with the summons issued to him and appear at the offices of the Internal Revenue Service as directed.¹

There being no objections by Respondent to the amended report and recommendations, the court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

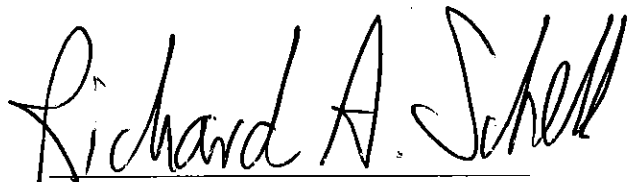
¹The magistrate judge's initial report and recommendation was issued on May 21, 2009, however, despite three attempts at serving Respondent, the United States Marshal was apparently unable to serve it on him by the original compliance date. Thus, an amended report and recommendation was entered containing a new compliance date and provisions for alternative service.

Respondent **CHANCE NIBLETT** is **ORDERED** and **DIRECTED** to fully comply with the summonses issued so that the IRS can complete a Collection Information Statement and prepare 1040 tax returns. Respondent is directed to appear on **July 29, 2009 at 10:00 a.m. at the offices of the Internal Revenue Service, 5450 Stratum Dr., Suite 150, Fort Worth, Texas 76137**, to meet with IRS Revenue Officer LaDusta Stillwell or her designated agent, to comply with the summonses, and to produce the records and testimony described in the summonses.

Further, the United States Marshal is directed to make service of this order on Respondent at any place where Respondent **CHANCE NIBLETT** can be found. The Respondent's last known address is 1505 Highland Park Rd., Denton, Texas 76205. If, after two (2) separate attempts at personal service, the United States Marshal is unable to personally serve Respondent, the United States Marshal shall affix a copy of this Order on the front door of Respondent's last known address and the windshield of any vehicle parked there. Once service is made, the United States Marshal is directed to promptly file with the court an affidavit indicating the date and manner of service.

IT IS SO ORDERED.

SIGNED this 24th day of July 2009.


RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE